

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**GARY R. MILLER and  
JEANNE A. MILLER**  
Plaintiffs,

v.

Case No. 03-C-0361

**MAGNETEK, INC.**  
Defendant.

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**ORDER**

This case was dismissed with prejudice in 2006. On April 2, 2014, the plaintiffs filed a motion for a preliminary and permanent injunction, arguing that the defendant had breached the settlement agreement that resulted in the dismissal of this case. The parties have apparently resolved their differences, as they have filed a stipulation to deny the motion. Based on this stipulation, I will deny the motion. However, the parties' stipulation also purports to dismiss this case with prejudice. I am writing this order to make clear that the case was dismissed with prejudice in 2006 and was never reopened, and that therefore it cannot be dismissed with prejudice a second time.

Accordingly, **IT IS ORDERED** that plaintiffs' motion for a preliminary and permanent injunction is **DENIED**, and that this case will remain closed.

Dated at Milwaukee, Wisconsin, this 28<sup>th</sup> day of April, 2014.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge